



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1443

Introduced 2/18/2009, by Sen. Michael W. Frerichs

#### SYNOPSIS AS INTRODUCED:

210 ILCS 85/3  
225 ILCS 85/15

from Ch. 111 1/2, par. 144  
from Ch. 111, par. 4135

Amends the Hospital Licensing Act. Provides that the term "hospital" does not include animal hospitals or animal care facilities maintained by any university or college established under the laws of this State and supported by public funds raised by taxation. Amends the Pharmacy Practice Act. Provides that the Secretary's waiver of the requirement that a pharmacist be on duty at all times for State facilities not treating human ailments shall remain in effect until it is rescinded by the Secretary and the Department provides written notice of the rescission to the State facility. Effective immediately.

LRB096 08942 ASK 19080 b

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Hospital Licensing Act is amended by  
5 changing Section 3 as follows:

6 (210 ILCS 85/3) (from Ch. 111 1/2, par. 144)

7 Sec. 3. As used in this Act:

8 (A) "Hospital" means any institution, place, building, or  
9 agency, public or private, whether organized for profit or not,  
10 devoted primarily to the maintenance and operation of  
11 facilities for the diagnosis and treatment or care of 2 or more  
12 unrelated persons admitted for overnight stay or longer in  
13 order to obtain medical, including obstetric, psychiatric and  
14 nursing, care of illness, disease, injury, infirmity, or  
15 deformity.

16 The term "hospital", without regard to length of stay,  
17 shall also include:

18 (a) any facility which is devoted primarily to  
19 providing psychiatric and related services and programs  
20 for the diagnosis and treatment or care of 2 or more  
21 unrelated persons suffering from emotional or nervous  
22 diseases;

23 (b) all places where pregnant females are received,

1           cared for, or treated during delivery irrespective of the  
2           number of patients received.

3           The term "hospital" includes general and specialized  
4           hospitals, tuberculosis sanitarium, mental or psychiatric  
5           hospitals and sanitarium, and includes maternity homes,  
6           lying-in homes, and homes for unwed mothers in which care is  
7           given during delivery.

8           The term "hospital" does not include:

9                   (1) any person or institution required to be licensed  
10                   pursuant to the Nursing Home Care Act, as amended;

11                   (2) hospitalization or care facilities maintained by  
12                   the State or any department or agency thereof, where such  
13                   department or agency has authority under law to establish  
14                   and enforce standards for the hospitalization or care  
15                   facilities under its management and control;

16                   (3) hospitalization or care facilities maintained by  
17                   the federal government or agencies thereof;

18                   (4) hospitalization or care facilities, either animal  
19                   or human, maintained by any university or college  
20                   established under the laws of this State and supported  
21                   ~~principally~~ by public funds raised by taxation;

22                   (5) any person or facility required to be licensed  
23                   pursuant to the Alcoholism and Other Drug Abuse and  
24                   Dependency Act;

25                   (6) any facility operated solely by and for persons who  
26                   rely exclusively upon treatment by spiritual means through

1 prayer, in accordance with the creed or tenets of any  
2 well-recognized church or religious denomination; or

3 (7) An Alzheimer's disease management center  
4 alternative health care model licensed under the  
5 Alternative Health Care Delivery Act.

6 (B) "Person" means the State, and any political subdivision  
7 or municipal corporation, individual, firm, partnership,  
8 corporation, company, association, or joint stock association,  
9 or the legal successor thereof.

10 (C) "Department" means the Department of Public Health of  
11 the State of Illinois.

12 (D) "Director" means the Director of Public Health of the  
13 State of Illinois.

14 (E) "Perinatal" means the period of time between the  
15 conception of an infant and the end of the first month after  
16 birth.

17 (F) "Federally designated organ procurement agency" means  
18 the organ procurement agency designated by the Secretary of the  
19 U.S. Department of Health and Human Services for the service  
20 area in which a hospital is located; except that in the case of  
21 a hospital located in a county adjacent to Wisconsin which  
22 currently contracts with an organ procurement agency located in  
23 Wisconsin that is not the organ procurement agency designated  
24 by the U.S. Secretary of Health and Human Services for the  
25 service area in which the hospital is located, if the hospital  
26 applies for a waiver pursuant to 42 USC 1320b-8(a), it may

1 designate an organ procurement agency located in Wisconsin to  
2 be thereafter deemed its federally designated organ  
3 procurement agency for the purposes of this Act.

4 (G) "Tissue bank" means any facility or program operating  
5 in Illinois that is certified by the American Association of  
6 Tissue Banks or the Eye Bank Association of America and is  
7 involved in procuring, furnishing, donating, or distributing  
8 corneas, bones, or other human tissue for the purpose of  
9 injecting, transfusing, or transplanting any of them into the  
10 human body. "Tissue bank" does not include a licensed blood  
11 bank. For the purposes of this Act, "tissue" does not include  
12 organs.

13 (Source: P.A. 91-838, eff. 6-16-00.)

14 Section 10. The Pharmacy Practice Act is amended by  
15 changing Section 15 as follows:

16 (225 ILCS 85/15) (from Ch. 111, par. 4135)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 15. Pharmacy requirements. It shall be unlawful for  
19 the owner of any pharmacy, as defined in this Act, to operate  
20 or conduct the same, or to allow the same to be operated or  
21 conducted, unless:

22 (a) It has a licensed pharmacist, authorized to practice  
23 pharmacy in this State under the provisions of this Act, on  
24 duty whenever the practice of pharmacy is conducted;

1 (b) Security provisions for all drugs and devices, as  
2 determined by rule of the Department, are provided during the  
3 absence from the licensed pharmacy of all licensed pharmacists.  
4 Maintenance of security provisions is the responsibility of the  
5 licensed pharmacist in charge; and

6 (c) The pharmacy is licensed under this Act to conduct the  
7 practice of pharmacy in any and all forms from the physical  
8 address of the pharmacy's primary inventory where U.S. mail is  
9 delivered. If a facility, company, or organization operates  
10 multiple pharmacies from multiple physical addresses, a  
11 separate pharmacy license is required for each different  
12 physical address .

13 (d) The Department may allow a pharmacy that is not located  
14 at the same location as its home pharmacy and at which pharmacy  
15 services are provided during an emergency situation, as defined  
16 by rule, to be operated as an emergency remote pharmacy. An  
17 emergency remote pharmacy operating under this subsection (d)  
18 shall operate under the license of the home pharmacy.

19 The Secretary ~~Director~~ may waive the requirement for a  
20 pharmacist to be on duty at all times for State facilities not  
21 treating human ailments. This waiver of the requirement remains  
22 in effect until it is rescinded by the Secretary and the  
23 Department provides written notice of the rescission to the  
24 State facility.

25 It shall be unlawful for any person, who is not a licensed  
26 pharmacy or health care facility, to purport to be such or to

1 use in name, title, or sign designating, or in connection with  
2 that place of business, any of the words: "pharmacy",  
3 "pharmacist", "pharmacy department", "apothecary", "druggist",  
4 "drug", "drugs", "medicines", "medicine store", "drug  
5 sundries", "prescriptions filled", or any list of words  
6 indicating that drugs are compounded or sold to the lay public,  
7 or prescriptions are dispensed therein. Each day during which,  
8 or a part which, such representation is made or appears or such  
9 a sign is allowed to remain upon or in such a place of business  
10 shall constitute a separate offense under this Act.

11 The holder of any license or certificate of registration  
12 shall conspicuously display it in the pharmacy in which he is  
13 engaged in the practice of pharmacy. The pharmacist in charge  
14 shall conspicuously display his name in such pharmacy. The  
15 pharmacy license shall also be conspicuously displayed.

16 (Source: P.A. 94-84, eff. 6-28-05; 95-689, eff. 10-29-07.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.